

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 UNITED STATES OF AMERICA,
5 Plaintiff(s),
6 v.
7 DANNIE LUCKETT,
8 Defendant(s).

2:22-cr-00026-JCM-VCF

**ORDER FOR A PSYCHIATRIC
EXAMINATION AND REPORT RE:
COMPETENCY**

9 Before the court is the unopposed motion for competency evaluation (ECF No. 5). Defendant
10 states that the government does not oppose the instant motion.

11 Accordingly,

12 IT IS HEREBY ORDERED that the unopposed motion for competency evaluation (ECF No. 5) is
13 GRANTED.

14 IT IS FURTHER ORDERED that a pretrial psychological and psychiatric examination as provided
15 for in 18 U.S.C. § 4241(a) and 18 U.S.C. § 4242 be conducted to determine the mental competence of the
16 defendant. Specifically, the Court orders that, pursuant to 18 U.S.C. § 4247(b), the defendant be committed
17 to the custody of the United States Attorney General for a reasonable period, not to exceed 45 days, for
18 placement in a suitable facility for the purposes of a pretrial psychological and psychiatric examination.
19 It is hereby ordered that the psychological and psychiatric examination of the defendant be conducted for
20 the purposes of determining: (1) his competency to properly assist in his own defense; and (2) his
21 competency to understand the nature and consequences of the proceeding against him.

22 The Court ORDERS that, pursuant to 18 U.S.C. § 4247, a psychiatric and
23 psychological report be filed under seal with the Court. Copies of this report are to be provided to:
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1 Benjamin F. J. Nemic, Esq.
2 Assistant Federal Public Defender
3 411 E Bonneville, Suite 250
4 Las Vegas, NV 89101
5 Telephone: 702-388-6577

Daniel J. Cowhig, Esq.
U.S. Attorney's Office
501 Las Vegas BLVD S, STE 1100
Las Vegas, NV 89101-7071
Telephone: 702-388-5088

6 Upon the defendant's release from the U.S. Bureau of Prisons facility, the Bureau of Prisons shall
7 provide a discharge summary to the U.S. Marshals Service (to accompany the defendant while in transit),
8 which includes a proposed treatment plan and a current list of any appropriate medication(s) with detailed
9 dosage amounts. This document is also to be provided to the Court when the final forensic evaluation
10 report is submitted.

11 This Court ORDERS that Speedy Trial time be tolled pursuant to 18 U.S.C. §§ 3161(h)(1)(a) and
12 3161(h)(8)(A) until a hearing can be held to determine the defendant's mental competency. The Court
13 FINDS that failure to grant such a continuance under the Speedy Trial Act in this proceeding would make
14 a continuation of such proceeding impossible because the defendant's mental competency is integral
15 towards the defendant proceeding to trial; entering a guilty plea; or having the criminal charge dismissed
16 because of defendant's mental incompetency.

17 Finally, this Court FINDS that the granting of the continuance is based upon the fact that the ends
18 of justice served by taking such action outweighs the best interest of the public and the defendant in a
19 speedy trial.

20 **IT IS FURTHER ORDERED**

- 21 1. That, if practicable, the Marshal's office transports the defendant directly to
22 the designated Bureau of Prisons medical facility in the safest manner and as
23 expeditiously as possible;
- 24 2. That the Bureau of Prisons notify the Marshal's office as soon as the
25 Bureau of Prisons medical facility has completed the evaluation;
3. That, if practicable, the Marshal's office then transports directly or make
arrangements for the defendant to be directly transported from the Bureau of Prisons

1 medical facility to a federal holding facility in the District of Nevada; and

2 4. That the Marshal's office notifies the Court as soon as defendant has returned
3 to the District of Nevada.

4 DATED this 4th day of February 2022.



5 CAM FERENBACH
6 UNITED STATES MAGISTRATE JUDGE
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